

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE
E/side of Reisterstown Road, 840' N of		
c/line of Kenmar Avenue	*	OFFICE OF
3 <sup>rd</sup> Election District		
2 <sup>nd</sup> Council District	*	ADMINISTRATIVE HEARINGS
<b>(9801 Reisterstown Road)</b>		
	*	FOR BALTIMORE COUNTY
Aaron Margolis, Trustee, under the		
Will of Ronnie Russel, <i>Legal Owners</i>	*	<b>CASE NO. 2012-0271-A</b>
R & H Toyota, <i>Contract Purchaser/Lessee</i>		
Petitioners	*	

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by Jeffrey N. Pritzker, Esquire with Margolis, Pritzker, Epstein & Blatt, PA, on behalf of the legal owner, Aaron Margolis, Trustee under the Will of Ronnie H. Russel, and the contract purchaser/lessee, R & H Toyota, (“Petitioners”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), Section 450.4 Attachment 1.5 (a), to permit three (3) wall-mounted signs on the same façade in lieu of the permitted two (2) signs on a single-tenant building. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the public hearing in support of the variance request was Robert Russel, President of R&H Motor Cars. Jeffrey N. Pritzker, Esquire attended and represented Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

There were no ZAC comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 2.50 acres and zoned B.M. The property contains a Toyota/Scion car dealership and is located along Reisterstown Road in an area with many other car dealerships and other commercial uses. Mr. Russel explained that the new showroom was just constructed in the last few months, and he said it is one of the first LEED Gold certified dealerships in the State. Mr. Russel explained that the Toyota company requires as part of its franchise agreement that dealers provide separate signage (and showroom space) for the Toyota and Scion brands, which are marketed to very different demographic groups.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md 53, 80 (2008).

Petitioners have met this test.

As seen on the site plan, the proposed signs are modest in size, and will simply inform customers of the locations for the Scion and Toyota showrooms. The third sign contains the "R&H" logo, and it is just 7.24 square feet and will be located directly above a doorway leading to the showrooms. The R&H dealership building is over 23,000 square feet in size, and the three proposed wall mounted signs do not seem excessive for a structure of this size. In addition, the three signs (in lieu of two permitted under the B.C.Z.R.) will not create visual clutter or distract drivers along this busy stretch of Reisterstown Road. In fact, I do not believe the variance relief will have any deleterious impact upon the surrounding community.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioners, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 19 day of June, 2012, by this Administrative Law Judge, that Petitioners' Variance request from the Baltimore County Zoning Regulations (B.C.Z.R.), Section 450.4 Attachment 1.5 (a), to permit three (3) wall-mounted signs on the same façade in lieu of the permitted two (2) signs on a single-tenant building, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB:pz

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County